

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

*County of Monroe, Michigan v. Purdue  
Pharma L.P., et al.,*  
Case No. 1:18-op-45158

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**[PROPOSED] ORDER GRANTING DISTRIBUTORS' MOTION TO CERTIFY  
UNDER 28 U.S.C. § 1292(b) THE COURT'S APRIL 30, 2020 ORDER DENYING  
IN PART THEIR MOTION TO DISMISS MONROE COUNTY'S CLAIMS,  
FOR PURPOSES OF SEEKING IMMEDIATE APPEAL OF THE COURT'S  
RULINGS THAT DENIED DISMISSAL OF THE COUNTY'S CLAIMS**

This matter having come before the Court upon motion by Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation ("Distributors") to certify under 28 U.S.C. § 1292(b) the Court's April 30, 2020 Opinion and Order, Dkt. 3285 ("Order") denying in part their motion to dismiss claims asserted by Monroe County, Michigan, for purposes of an immediate appeal of the Court's rulings that denied dismissal of the County's claims; the Court having reviewed the motion, and related papers; due and proper notice having been provided; and, after due deliberation, the Court finds that Distributors' motion should be GRANTED.

The Court hereby incorporates by reference herein the Order and AMENDS the Order to include this Court's determination that the Order involves controlling questions of law as to which there is substantial ground for difference of opinion, namely (1) whether the County's allegations meet RICO's proximate causation and injury to "business or property" requirements, and (2) whether the County's remaining claims must be dismissed because they are state law claims that

constitute a “product liability action” within the meaning of the Michigan Product Liability Act (“MPLA”), which bars such actions; and that immediate appeal on those issues may materially advance the ultimate termination of the litigation.

**SO ORDERED this \_\_ day of \_\_\_\_\_, 2020.**

---

**HON. DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE**